

DEPARTMENT OF HEALTH & SOCIAL SERVICES



PROPOSED CHANGES TO REGULATIONS

7 AAC 57. CHILD CARE FACILITIES LICENSING.



PUBLIC REVIEW DRAFT

March 5, 2018

COMMENT PERIOD ENDS: May 31, 2018

Please see the public notice for details about how to comment on these proposed changes.

Notes to reader:

1. Except as discussed in note 2, new text that amends an existing regulation is **bolded and underlined**.
2. If the lead-in line above the text of each section of the regulations states that a new section, subsection, paragraph, or subparagraph is being added, or that an existing section, subsection, paragraph, or subparagraph is being repealed and readopted (replaced), *the new or replaced text is not bolded or underlined.*
3. [ALL-CAPS TEXT WITHIN BRACKETS] indicates text that is to be deleted.
4. When the word “including” is used, Alaska Statutes provide that it means “including, but not limited to.”
5. Only the text that is being changed within a section of the current regulations is included in this draft. Refer to the text of that whole section, published in the current Alaska Administrative Code, to determine how a proposed change relates within the context of the whole section and the whole chapter.

**Title 7 Health and Social Services.
Chapter 57. Child Care Facilities Licensing.
Sec 10. Applicability.**

7 AAC 57.010. Applicability.

7 AAC 57.010(b)(2) is amended to read:

(b) A child care facility

...

(2) includes a child care center, a **small family** child care [GROUP] home, and a

large family child care home;

7 AAC 57.010(b)(3)(B) is amended to read:

(b) A child care facility

...

(3) includes the physical location of the facility, including any child care entity; in

this paragraph, "entity"

...

(B) for inspection and investigation purposes, also includes the land, vehicles, equipment, supplies, water supply, wastewater system, and plumbing associated with the entity.

7 AAC 57.010(e) is amended to read:

(e) If a person who is required to obtain a child care [HOME OR GROUP HOME] license under AS 47.32 and this chapter has failed to obtain a license, and has been informed by the department that the person must obtain a license, that person may continue care of children only with department approval and only for a period not to exceed 30 days.

(Eff. 6/23/2006, Register 178; am 5/15/2016, Register 218; am ___/___/___, Register _____)

Authority: AS 44.29.020 AS 47.32.010 AS 47.32.030

7 AAC 57.015. Exemptions from licensure requirements.

7 AAC 57.015(a)(2) is amended to read:

(a) The following facilities or programs are exempt from the licensure requirements of AS 47.32 and this chapter:

...

(2) a facility located on a United States Department of Defense or United States Coast Guard installation that is located on federal property, **and** [OR A FACILITY] **is** certified [AS A FAMILY CHILD CARE PROVIDER] by a branch of the United States Department of Defense or by the United States Coast Guard;

7 AAC 57.015(a)(5) is repealed and readopted to read:

(5) a pre-elementary school as defined in AS 14.07.020(c) and under the jurisdiction of the Department of Education and Early Development in 4 AAC 60.01.

7 AAC 57.015(a)(7) is amended to read:

(7) a facility that regularly provides care to **no more than five children total, including the caregivers own children, any other children residing in the facility, and children related or unrelated to the caregiver who are younger than thirteen years of age.**

The facility may not provide care for more than four [OR FEWER] children who are not **related to** [RELATIVES OF] the caregiver; "regularly provides care" means that a child is enrolled for regular care, regardless of whether that child receives full-time or part-time care; (Eff. 6/23/2006, Register 178; am 2/9/2007, Register 181; am ___/___/___, Register _____)

Authority: AS 44.29.020 AS 47.32.010 AS 47.32.030
AS 47.05.340 AS 47.32.020

7 AAC 57.020. Voluntary child care licensure; exempt facilities.

7 AAC 57.020 is amended to read:

The department will not issue a license to a child care facility that is exempt under 7 AAC 57.015[(2),] (3), (4), (9), (10), or (11).

(Eff. 6/23/2006, Register 178; am ___/___/___, Register _____)

Authority: AS 44.29.020 AS 47.32.020 AS 47.32.030
AS 47.32.010

7 AAC 57.030. Application for license; biennial renewal.

7 AAC 57.030(a) is repealed.

(a) Repealed ____/____/____.

7 AAC 57.030(b) is amended to read:

(a) [(b)] An applicant for a license to operate a child care facility under this chapter shall initiate the application in the name of the individual or legal entity responsible for operation of the facility.

7 AAC 57.030(c) is amended to read:

(b) [(c)] An applicant for a provisional or biennial license under AS 47.32 and this chapter shall submit a completed application on a form **prescribed** [SUPPLIED] by the department and shall provide the following information as applicable to the type of child care facility:

7 AAC 57.030(c)(1) is amended to read:

(1) the name, mailing address, telephone number, facsimile number, if any, **business** electronic mail address [, IF ANY,] and title, if any, of

7 AAC 57.030(c)(5) is amended to read:

(5) the signed release of information authorization and other items required under **7 AAC 57.315(e) to request a criminal history check under** 7 AAC 10.910. [(b) TO

REQUEST A CRIMINAL HISTORY CHECK FOR EACH INDIVIDUAL ASSOCIATED WITH THE CHILD CARE FACILITY IN A MANNER DESCRIBED IN 7 AAC 10.900(B)];

7 AAC 57.030(c)(9)(C) is amended to read:

(9) a copy of

...

(D) [(C)] a business license as required under AS 43.70; and

7 AAC 57.030(c)(9)(D) is amended to read:

(E) [(D)] any other license, permit, or certificate necessary and as required by the state or a municipality to operate a child care facility;

7 AAC 57.030(c)(9) is amended by adding a sub-paragraph to read:

(C) an annual water test ensuring the results are negative for nitrate, lead and copper, and coliform bacteria, for a facility on a class c well or other non-public water systems.

7 AAC 57.030(c)(12) is amended to read:

(12) a current plan of operation for the facility, including an organizational chart, a staffing **plan as identified in (13) below and the facility's policies and procedures manual under 7 AAC 57.220(d)**, [CHART, OTHER PLANS, POLICIES, RULES, PROGRAM DESCRIPTIONS, SCHEDULES, FORMS, AND MATERIALS;] if these documents were previously submitted to the department, and no changes have occurred, the applicant is not

required to resubmit them, but must verify that the previously submitted documents are still current;

7 AAC 57.030(c)(13) is amended to read:

(13) a staffing plan that describes the number of people who will work at the facility, staff qualifications, a description of each person's responsibilities, and a **staffing chart demonstrating** supervision [SCHEDULE] for the children in care that meets the requirements of this chapter;

7 AAC 57.030(c)(14) is amended to read:

(14) evidence that the applicant **and designated administrator, if different than the applicant has completed** [ANY] **licensing** orientation [OR TRAINING] required under this chapter;

7 AAC 57.030(c)(15) is amended to read:

(16) [(15)] other information required by the department to enable the department to determine if the applicant meets the requirements of AS 47.32 and this chapter.

7 AAC 57.030(c) is amended by adding a new paragraph to read:

(15) evidence that the designated administrator has completed training requirements under 7 AAC 57.350(a); and

7 AAC 57.030(d) is amended to read:

(c) [(d)] An application for a license must include a signed declaration by the applicant, or by a person authorized to submit the application on the applicant's behalf if the applicant is not an individual, that the contents of the application and the information provided with it are true, accurate, and complete.

7 AAC 57.030(e) is repealed and readopted to read:

(e) Except for a biennial renewal application under AS 47.32.060, an application is not complete unless it provides all of the information required by this section. If the application is a biennial renewal application, only attachments that include updated information must be submitted with the application. Subject to 7 AAC 57.035, the department will renew a biennial license if the department finds that the facility is in

(1) full compliance with AS 47.05.300-47.05.990 and 7 AAC 10.900 - 7 AAC 10.990 (Barrier Crimes, Criminal History Checks, and Centralized Registry), AS 47.32, 7 AAC 10.1000 - 7 AAC 10.1095 (Environmental Health and Safety), and this chapter; or

(2) full compliance with AS 47.05.300-47.05.990 and 7 AAC 10.900 - 7 AAC 10.990, and substantial compliance with AS 47.32, 7 AAC 10.1000 - 7 AAC 10.1095, and this chapter, or [AND] has implemented a plan of correction, approved by the department, designed to bring the facility or agency into full compliance with AS 47.32, 7 AAC 10.1000 - 7 AAC 10.1095, and this chapter.

7 AAC 57.030(f) is amended to read:

(e) [(f)] In a license issued under this chapter, the department will include

...

7 AAC 57.030(g) is amended to read:

(f) [(g)] A child care facility shall post the license as required by AS 47.32.080.

7 AAC 57.030(h) is amended to read:

(g) [(h)] In this section, "management interest" includes membership on a governing board or body of the child care facility.

(Eff. 6/23/2006, Register 178; am 2/9/2007, Register 181; am 5/15/2016, Register 218; am ___/___/___, Register ___)

Authority:	AS 44.29.020	AS 47.05.340	AS 47.32.050
	AS 47.05.010	AS 47.32.020	AS 47.32.060
	AS 47.05.310	AS 47.32.030	AS 47.32.080
	AS 47.05.330	AS 47.32.040	

7 AAC 57.035. Grounds for nonrenewal or revocation of license.

7 AAC 57.035(a)(5) is amended to read:

(5) the child care facility fails to correct a violation noted in a report **of inspection or report of** investigation provided under AS 47.32 and 7 AAC 10.9600 - 7 AAC 10.9620;

(Eff. 6/23/2006, Register 178; am 2/9/2007, Register 181; am ___/___/___, Register ___)

Authority:	AS 44.29.020	AS 47.32.020	AS 47.32.080
	AS 47.05.010	AS 47.32.030	AS 47.32.120
	AS 47.05.310	AS 47.32.040	AS 47.32.130
	AS 47.05.330	AS 47.32.050	AS 47.32.140
	AS 47.05.340	AS 47.32.060	

7 AAC 57.200. Responsibilities of a governing body for a child care facility

7 AAC 57.200(a)(3) is amended to read:

(a) In a child care facility that is governed by a board or other body, the board or other body shall

...

(3) appoint an individual who is qualified under 7 AAC 57.300 to act as administrator, and to be charged with the active **day to day** management of the facility; (Eff. 6/23/2006, Register 178; am 2/9/2007, Register 181; am ___/___/___, Register _____)

Authority:	AS 44.29.020	AS 47.05.330	AS 47.32.030
	AS 47.05.310	AS 47.05.340	
	AS 47.05.320	AS 47.32.010	

7 AAC 57.210. Administrator.

7 AAC 57.210 is repealed and readopted to read:

(a) The governing body or owner of a child care facility shall designate an administrator qualified under 7 AAC 57.300 and either directly or by delegation to the administrator, schedule work hours so that the administrator is onsite and available to staff, parents, and children while children are present at the facility. The administrator may be the same individual who owns or is otherwise legally responsible for operating the facility.

(b) The administrator designated in (a) above shall serve as an administrator for no more than one child care facility.

(c) The governing body or owner of a child care facility shall designate on a form prescribed by the department an individual who meets the age and qualification requirements of

7 AAC 57.300, to be the onsite associate administrator who will report to the administrator responsible for the day-to-day operations of the facility for periods when the administrator is absent from the facility. If the administrator is unable to be onsite for 30 consecutive days or longer, the child care facility governing body or owner shall designate a new administrator who will be onsite and responsible for the day-to-day operation of the facility.

(d) The governing body or owner of a child care facility may not operate an additional business on the premises during the hours the facility provides child care services, if customers of the additional business would have access to the child care facility or would interrupt the supervision of children in care.

(Eff. 6/23/2006, Register 178; am ___/___/___, Register _____)

Authority: AS 44.29.020 AS 47.32.010 AS 47.32.030

7 AAC 57.220. Child care facility operation and management.

7 AAC 57.220(a) is repealed and readopted to read:

(a) A child care facility with one or more employees shall provide personnel policies to those employees when they start employment at the facility. The personnel policies must include, as applicable,

- (1) equal employment opportunity statement;
- (2) personnel qualifications;
- (3) the job description applicable to each employee;
- (4) a training plan for each job description;
- (5) procedures for annual evaluation; and
- (6) employment disciplinary and termination policy.

7 AAC 57.220(b)(2) is amended to read:

(2) [IN A CHILD CARE CENTER,] schedule work hours so that an administrator or the associate administrator [ADMINISTRATOR'S DESIGNEE] is onsite and available to staff, parents, and children while children are present at the facility; [IN A CHILD CARE CENTER THAT SERVES FEWER THAN 30 CHILDREN, THE GOVERNING BODY OR OWNER OF A CHILD CARE FACILITY SHALL, EITHER DIRECTLY OR BY DELEGATION TO THE ADMINISTRATOR, SCHEDULE WORK SO THAT EITHER AN ADMINISTRATOR OR CHILD CARE ASSOCIATE IS ONSITE AND AVAILABLE TO STAFF, PARENTS, AND CHILDREN WHILE CHILDREN ARE PRESENT AT THE FACILITY;]

7 AAC 57.220(b)(3) is repealed and readopted to read:

(b) The governing body or owner of a child care facility shall, either directly or by delegation to the administrator,

(3) ensure that

(A) each individual associated with the facility who provides care for children at the facility has sufficient language skills to understand and adhere to the regulations of this chapter and the facility's policies, and to meet the needs of the children in the facility. The language skills of each individual associated with the facility must allow each individual to access emergency services, including giving clear directions to emergency personnel of the facility's location and describing the nature of the emergency in the primary language of the community. The administrator shall assess language skill level for employees, contractors, and volunteers. The department will assess the language skill level of the administrator; and

(B) each individual associated with the facility in a manner described in 7 AAC 10.900(b) has a valid criminal history check under 7 AAC 10.910(h) before employment or other service unless the department has granted a provisional valid criminal history check under 7 AAC 10.920 or a variance under 7 AAC 10.935;

7 AAC 57.220(b)(4)(A) is amended to read:

(4) remove an employee or other caregiver from contact with children **and make a report to the department** when the administrator has reason to believe that the employee or other caregiver

(A) has **used harmful treatment or** abused a child or furnished a child with alcohol, tobacco, marijuana, **legal or illegal drugs,** or **any other synthetic, natural, or [A]** controlled substance; or

...

7 AAC 57.220(b)(5) is amended to read:

(5) ensure that the ability of an employee or other caregiver to perform assigned duties is not impaired by alcohol, marijuana, **legal or illegal drugs,** or **any other synthetic, natural, or [A]** controlled substance while that person is in contact with children or is performing other job responsibilities.

(Eff. 6/23/2006, Register 178; am 2/9/2007, Register 181; am 5/15/2016, Register 218; am ___/___/___, Register _____)

Authority:	AS 44.29.020	AS 47.05.330	AS 47.32.030
	AS 47.05.310	AS 47.05.340	
	AS 47.05.320	AS 47.32.010	

7 AAC 57.230. Records.

7 AAC 57.230(b) is amended to read:

(b) A child care facility **must use and** [SHALL] maintain records on forms prescribed by the department. **If forms are not prescribed by the department, a child care facility must use** [OR] alternate forms that contain the **regulatory requirements of this chapter** [SAME ELEMENTS OF THE PRESCRIBED FORMS].

7 AAC 57.230(d) is amended to read:

(d) A child care facility shall maintain personnel records for **caregivers and other** employees [AND CAREGIVERS]. For **caregivers** [EMPLOYEES], these records must include starting and ending dates of employment, application materials, annual and interim performance evaluations, orientation and training documentation, and any personnel action memoranda of commendation or reprimand. For other **employees** [CAREGIVERS], records may be limited to starting and ending dates of service, application materials, and an evaluation notation.

(Eff. 6/23/2006, Register 178; am 2/9/2007, Register 181; am ___/___/___, Register _____)

Authority: AS 44.29.020 AS 47.32.030 AS 47.32.180
AS 47.32.010

7 AAC 57.240. Reports.

7 AAC 57.240(c) is amended to read:

(c) A child care facility shall immediately report the following incidents involving a child in care to the child's parent:

(3) the exposure of a child to a contagious condition such as lice or scabies or to a communicable disease other than a cold; **and**

7 AAC 57.240(b) is amended by adding a new subsection to read:

(5) harmful treatment, abuse, or neglect to a child while in care at the facility;

7 AAC 57.240(b) is amended by adding a new subsection to read:

(6) suspension or expulsion of a child in care for challenging or out of control behavior; and

7 AAC 57.240(b) is amended by adding a new subsection to read:

(7) the disappearance of a child from the facility.

7 AAC 57.240(c) is amended by adding a new subsection to read:

(4) the disappearance of a child from the facility.

(Eff. 6/23/2006, Register 178; am 2/9/2007, Register 181; am 5/15/2016, Register 218; am ___/___/___, Register _____)

Authority:	AS 44.29.020	AS 47.05.330	AS 47.32.030
	AS 47.05.310	AS 47.32.010	AS 47.32.200

7 AAC 57.300. Qualifications of an administrator.

7 AAC 57.300 is repealed and readopted to read:

(a) The administrator of a child care center and family child care home must be at least 21 years of age.

(b) An administrator must

(1) have an understanding of the development of children;

(2) have the ability to care for children; and

(3) have the skills to work with children, family members, department staff, community agencies, and, if applicable, staff of the child care facility.

(4) have the skills necessary to handle finances and plan and evaluate programs.

(5) have the management and supervisory skills necessary to select and supervise personnel, including delegation of responsibility and motivation of staff, if their facility will have one or more employees.

(c) The administrator of a family care home must have at least a high school diploma or general education development (GED) diploma, or the equivalent.

(d) The administrator of a child care center must have a high school diploma or general education development (GED) diploma, or the equivalent, and a certificate of achievement of a level 7 or higher on Alaska's System for Early Education Development (SEED) Career Ladder.

(e) In addition to the requirements of this section, the administrator of a child care facility must meet the orientation and annual training requirements of 7 AAC 57.350.

(f) In addition to the requirements of this section, an administrator must meet the caregiver qualifications applicable for their type of child care facility as set out in 7 AAC 57.310.

(g) The designated administrator shall submit to the department references, on a form prescribed by the department, from four individuals, who are unrelated to the designated administrator, of which one must be from a previous supervisor, who can provide references attesting to the designated administrator's good character, reputation, interpersonal and professional skills, and ability to manage a child care facility.

(h) The department will assess the qualifications of the designated administrator. If the review shows that person is not qualified under this section, the department will inform the child care facility that the person may not serve as an administrator and that the facility's license is subject to denial or revocation unless a qualified administrator is designated within 30 days.

(Eff. 6/23/2006, Register 178; am 5/15/2016, Register 218; am ___/___/___, Register _____)

Authority: AS 44.29.020 AS 47.32.010 AS 47.32.030

7 AAC 57.310. Qualifications and responsibilities of employees and other individuals in a child care facility.

7 AAC 57.310(c)(1) is amended to read:

(c) A caregiver must be able to

(1) communicate daily or on an ongoing basis with parents regarding their **child's** [CHILDREN'S] **daily** care, their **child's** [CHILDREN'S] needs, and when concerns or issues arise;

7 AAC 57.310(c) is amended by adding a new paragraph to read:

(12) identify and promote age appropriate gross motor activities and games that promote children's active physical play.

7 AAC 57.310(d) is repealed and readopted to read:

(d) A child care facility with one or more employees shall obtain a completed application for employment or other work from each prospective employee before allowing the applicant to

have contact with children in care. The completed application must provide the information necessary to determine whether the applicant has the qualifications required under this section.

7 AAC 57.310(e) is repealed and readopted to read:

(e) A child care facility with one or more employees shall obtain at least three written references from individuals unrelated to the prospective employee. A reference must

(1) be received directly by the child care facility from the individual making the reference;

(2) attest to the prospective employee's or other individual's ability to work successfully with children, act as a positive role model for children, and otherwise meet the requirements of this section; and

(3) if taken by telephone, be recorded immediately by written notes, dated and signed by the individual taking the reference.

7 AAC 57.310(f) is repealed and readopted to read:

(f) A child care facility with one or more employees shall ensure that each individual is registered in Alaska's System for Early Education Development (SEED) Registry.

7 AAC 57.310 is amended by adding a new paragraph to read:

(g) A child care facility with one or more employees shall ensure that all caregivers with direct care responsibilities have current certification in pediatric first aid and pediatric cardiopulmonary resuscitation (CPR).

7 AAC 57.310 is amended by adding a new paragraph to read:

(h) For purposes of this section, the department will not consider an individual in a child care facility to lack contact with children in the facility merely because the facility supervises or agrees to supervise that individual.

(Eff. 6/23/2006, Register 178; am 2/9/2007, Register 181; am 5/15/2016, Register 218; am ___/___/___, Register _____)

Authority:	AS 44.29.020	AS 47.05.340	AS 47.32.130
	AS 47.05.310	AS 47.32.010	AS 47.32.140
	AS 47.05.320	AS 47.32.020	
	AS 47.05.330	AS 47.32.030	

7 AAC 57.315. Child protection and criminal history check requirements.

7 AAC 57.315(c) is amended to read:

(c) A child care facility shall ensure that individuals in the facility do not **use harmful treatment**, abuse or neglect a child in its care or engage in an exploitive or sexual act with a child in its care.

7 AAC 57.315 is amended by adding a new subsection to read:

(f) In this section, "abuse, neglect, or exploitation of a child" has the meaning given the term "child abuse or neglect" in AS 47.17.290.

(Eff. 6/23/2006, Register 178; am 2/9/2007, Register 181; am ___/___/___, Register _____)

Authority:	AS 44.29.020	AS 47.05.320	AS 47.32.010
	AS 47.05.300	AS 47.05.330	AS 47.32.020
	AS 47.05.310	AS 47.05.340	AS 47.32.030

7 AAC 57.330. Additional employee qualifications for child care centers.

7 AAC 57.330 is repealed:

7 AAC 57.330. Additional employee qualifications for child care centers. Repealed.

(Eff. 6/23/2006, Register 178; am 5/15/2016, Register 218; repealed ___/___/___, Register____)

7 AAC 57.340. Supervision of employees.

7 AAC 57.340 is amended to read:

A child care facility with one or more employees shall ensure that an inexperienced caregiver **has met the requirements under 7 AAC 57.350, and** is supervised by an experienced caregiver until the inexperienced caregiver is able to safeguard the health, safety, and welfare of the children in care.

(Eff. 6/23/2006, Register 178; am ___/___/___, Register ____)

Authority: AS 44.29.020 AS 47.32.010 AS 47.32.030

7 AAC 57.350 is repealed and readopted to read:

7 AAC 57.350. Orientation and annual training requirements.

(a) An administrator and each caregiver of the child care facility must complete an orientation related to their duties and responsibilities that must be completed before they are allowed to care for children unsupervised. The orientation includes

- (1) the facility's policies and procedures;
- (2) satisfying the individual needs of children;
- (3) the applicable requirements of 7 AAC 10.1000 - 7 AAC 10.1095 and 7 AAC

57.005 - 7 AAC 57.810.

(4) the following SEED approved health and safety training

(A) prevention and control of infectious diseases, including immunizations;

(B) prevention of sudden infant death syndrome/sudden unexplained infant death and use of safe sleeping practices;

(C) the administration of medication, consistent with standards for parental consent;

(D) the prevention of and response to emergencies due to food and allergic reactions;

(E) building and physical premises safety, including identification of and protection from hazards, bodies of water, and vehicular traffic;

(F) prevention of shaken baby syndrome, abusive head trauma, and child maltreatment;

(G) emergency preparedness and response planning for emergencies resulting from a natural disaster, or a man-caused event (such as violence at a child care facility), within the meaning of those terms under section 602(a)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C 5195a(a)(1) that shall include procedures for evacuation, relocation, shelter-in-place and lock down, staff and volunteer emergency preparedness training and practice drills, communication and reunification with families, continuity of operations, and accommodation of infants and toddlers, children with disabilities, and children with chronic medical conditions);

(H) handling and storage of hazardous materials and the appropriate disposal of bio contaminants;

(I) appropriate precautions in transporting children, if applicable;

(J) valid current Pediatric first aid and cardiopulmonary resuscitation

(CPR). If pediatric first aid and pediatric CPR certification courses under (a)(13) of this section, are not available in the community where the facility is located, the caregiver may

(i) receive instruction in pediatric first aid and pediatric CPR procedures through distance learning, training videos, and other materials approved by the department and

(ii) complete and pass the first available in person pediatric first aid and pediatric CPR certification course offered within 60 miles by road of the facility;

(K) Recognition and reporting of child abuse and neglect, as required by section 106(b)(2)(B)(i) of the Child Abuse and Prevention and Treatment Act (42 U.S.C. 5106a(b)(2)(B)(i); trained in compliance with Alaska’s child abuse reporting laws under AS 47.17, or other child abuse reporting procedures and laws in the service area

(L) Nutrition and age-appropriate feeding;

(M) Access to physical activity; and

(N) Any other subject area determined by the department to be necessary to promote child development or to protect children’s health and safety.

(b) The orientation required in (a) of this section must begin at the time of employment, or the effective date of a contract for a caregiver under contract, and must be completed within three months from the individual’s date of hire.

(c) Training hours required in this section are clock hours and must be documented SEED approved training. Documentation must include the date, subject, method of training, duration, and the name of the SEED approved trainer who conducted the training.

(d) An administrator of a child care facility shall ensure that each caregiver completes annual SEED approved training hours relevant to the type of child care, and the age and development of the children in care. The annual training hours required in this section may be satisfied each year based on the individual's hire date, by obtaining at least 24 training hours, or 12 training hours if the caregiver works 15 hours or less a week, or by obtaining college credit(s) relevant to a degree seeking program in a SEED Early Childhood related field as referenced on the SEED Career Ladder.

(e) An administrator of a family child care home shall complete annual SEED approved training hours relevant to the type of child care, and the age and development of the children in care. The annual training requirements of this subsection may be satisfied each year based on their hire date with the facility, by obtaining at least 24 hours of SEED approved training or by obtaining college credit(s) relevant to a degree seeking program in a SEED Early Childhood related field as referenced on the SEED Career Ladder.

(f) An administrator of a child care center with a certificate of achievement of a level 10 or higher on the SEED Career Ladder shall complete SEED approved training relevant to the type of child care, and the age and development of the children in care, each year based on their hire date with the facility. The annual training requirements of this subsection may be satisfied each year by obtaining at least 24 hours of SEED approved training or college credit(s) relevant to a degree seeking program in a SEED Early Childhood related field as referenced on the SEED Career Ladder.

(g) An administrator of a child care center without a certificate of achievement of at least a level 10 on the SEED Career Ladder must complete annual training hours of continuing education each year based on their hire date. The continuing education requirements of this

subsection must be satisfied each year by obtaining at least three semester hours of college credits in courses relevant to a degree seeking program in a SEED Early Childhood related field as referenced on the SEED Career Ladder.

(h) Repealed 5/15/2016.

(i) Repealed 5/15/2016.

(j) An administrator or a caregiver may apply the training hours obtained as required for orientation under (a) of this section towards their annual training hours required under (d) through (g) of this section, as applicable, when obtained during their first year of employment.

(Eff. 6/23/2006, Register 178; am 5/15/2016, Register 218; am ___/___/___, Register _____)

Authority: AS 44.29.020 AS 47.32.010 AS 47.32.030

7 AAC 57.400. Admission and planning for care.

7 AAC 57.400(a)(2) is amended to read:

(2) maintain the information on a form **prescribed** [SUPPLIED] by the department; and

...

(Eff. 6/23/2006, Register 178; am ___/___/___, Register _____)

Authority: AS 44.29.020 AS 47.32.010 AS 47.32.030

7 AAC 57.410 is repealed and readopted to read:

7 AAC 57.410. Information for parents.

At or before a child's admission, a child care facility shall supply a parent with the following information in writing:

- (1) enrollment requirements and procedures, including a non-discrimination policy;
- (2) fees and payment requirements;
- (3) hours and days of operation, including holidays;
- (4) a summary of the plan for supervision required by 7 AAC 57.500;
- (5) number and ages of children served;
- (6) policy and provisions for ill children, including parent or guardian permission for medication, if applicable;
- (7) a typical daily schedule of activities for each age group of children in care;
- (8) television and movie viewing, video games, and computer use policy in compliance with 7 AAC 57.520(a)(3) and (4);
- (9) behavior guidance practices in compliance with 7 AAC 57.535;
- (10) suspension and expulsion policy in compliance with behavior guidance practices in 7 AAC 57.535;
- (11) cold weather outdoor play policy, in compliance with 7 AAC 57.520(a)(2)(B) and the local school district outdoor recess policies, unless the air quality or weather poses a significant health risk to the children in care. In this section significant health risk includes unhealthy or hazardous air quality, wind chill factor at or below minus 15 degrees Fahrenheit, heat index at or above 90 degrees Fahrenheit, and/or any severe weather advisory;
- (12) a list of examples of meals and snacks served;
- (13) parental permission policy for activities away from the facility;
- (14) transportation arrangements, if any;
- (15) parental access and visiting policy;

- (16) the facility’s policy on safe sleep practices;
- (17) the presence of fish, birds or any other animals at the facility, if applicable;
- (18) the presence of any poisonous plants present at the facility, if applicable;
- (19) the presence of firearms at the family child care home, if applicable;
- (20) policy and procedures for the use of pesticides at the facility, if applicable
- (21) the use of substitute, emergency, and volunteer caregivers;
- (22) information provided by the department about the parent's role to help ensure a reasonably safe and developmentally appropriate environment, and about the complaint investigation role of the department, and contact information for the nearest department office;
- (23) parent notification policy on significant changes in the information addressed in this subsection; and
- (24) a copy of the verification of receipt of policies signed by the parent.

(Eff. 6/23/2006, Register 178; am ___/___/___, Register _____)

Authority: AS 44.29.020 AS 47.32.010 AS 47.32.030

7 AAC 57.500. Supervision of children.

7 AAC 57.500(a) is amended to read:

(a) A child care facility shall ensure that the children in its care receive responsible supervision appropriate to their age and developmental needs. A child care facility shall create a staffing plan, if applicable, and a plan for supervision of children. In its plan for supervision, a child care **facility** [CENTER] shall include indoor, outdoor, and high-risk area supervision, **child-to-caregiver** [CAREGIVER-TO-CHILD] ratios, field trips, and a description of the way in which the requirements of (b) of this section will be met.

7 AAC 57.500(b) is amended to read:

(b) A child care facility shall ensure that children are always under supervision by a caregiver, except when providing a degree of freedom to a school-age child appropriate to the child's age and developmental level. A school-age child is permitted to participate in activities [AND VISIT FRIENDS] away from the child care facility's premises as approved by the child's parents and the child care facility. [THE FACILITY SHALL DOCUMENT THIS APPROVAL UNDER (J) OF THIS SECTION.]

(1) a parent has provided written permission for a child to leave or return to care for the purpose of getting to and from school; or

(2) a parent has provided written permission for a child to leave or return to care to participate in extracurricular activities offered at the school site or a public or private elementary school program where the facility is also located.

7 AAC 57.500(e) is amended to read:

(e) A **family** child care home [OR GROUP HOME] shall ensure that

...

7 AAC 57.500(f) is amended to read:

(f) A child care facility shall maintain caregiver and child attendance records that reflect the time caregivers are present and children are in care. **The attendance records shall include the following information:**

(1) first and last name of the child and the caregiver;

(2) date, including the day, month, and year; and

(3) the exact time that the child and caregiver begin and end attendance.

7 AAC 57.500(h) is amended to read:

(h) A **family** child care home [AND A CHILD CARE GROUP HOME] shall designate an **individual who is at least 21 years old** [ADULT] who is known by the **family child care** home caregiver to be of good character, and is available to assist in case of serious illness, accident, or other emergency. If this **individual** [ADULT] assists only in emergency situations for a part of the day during the emergency, the caregiver qualifications set out in 7 AAC 57.310 and the ability to administer first aid and CPR in a child care facility do not apply to that individual.

7 AAC 57.500(i)(2) is amended to read:

(i) A child care facility shall prevent exposure of children to individuals, animals, and situations posing a possible danger. A child care facility may not allow a child to participate in a high-risk activity, including

...

(2) a [YOUNG] child walking along a river edge; or

...

7 AAC 57.500(j) is repealed:

(j) Repealed___/___/___.

(Eff. 6/23/2006, Register 178; am 5/15/2016, Register 218; am ___/___/___, Register _____)

Authority: AS 44.29.020 AS 47.32.010 AS 47.32.030

7 AAC 57.505. Child-to-caregiver ratios.

7 AAC 57.505(a) is amended to read:

(a) For **a small family** child care home [HOMES],

(1) the **small family child care** home shall have at least one caregiver, who may also be the administrator, and may provide care for not more than a total of eight children younger than 13 years of age, including the caregiver's children younger than 13 years of age; and

(2) of the total children in care, not more than three of the total may be younger than **24** [30] months of age, and not more than two of the total may be nonambulatory.

7 AAC 57.505(b)(1) is amended to read:

(b) For **a large family** child care **home** [GROUP HOMES],

(1) except as provided under (3) of this subsection, a **large family** child care [GROUP] home **must have at least 9 children enrolled and** [SHALL] have at least two caregivers, one of which must be the administrator, and may provide care for not more than a total of 12 children younger than 13 years of age, including the caregiver's children;

7 AAC 57.505(b)(2) is amended to read:

(b) For **a large family** child care **home** [GROUP HOMES],

(2) of the total children in care, not more than five of the total may be younger than **24** [30] months of age, and not more than four of the total may be nonambulatory;

7 AAC 57.505(b)(3)(A) is amended to read:

(3) only one caregiver is required if

(A) the caregiver is either the administrator or the associate administrator [ADMINISTRATOR’S DESIGNEE], with one year of licensed family child care home child care experience or the equivalent, or if the credential requirements of 7 AAC 57.300(d) are met; and

7 AAC 57.505(b)(4) is repealed and readopted to read:

(4) notwithstanding (3) of this subsection, if a large family child care home attendance drops to eight or fewer children younger than 13 years of age, including the caregiver's children, if not more than three of the total are younger than 24 months of age, and if not more than two of the total are nonambulatory, the large family child care home may drop their staffing for the remainder of that day to one caregiver who must be the administrator or associate administrator.

7 AAC 57.505(c) is repealed and readopted to read:

(c) For a child care center,

(1) during all hours of operation, the following child-to-caregiver ratio and maximum group size shall be maintained:

Age of Children	Number of Children	Term for Child’s Age Group	Number of Caregivers	Maximum Group Size, Ratio of Children to Caregivers
Birth through 12 months	4	Infants	1	8:2
13 months through 24 months	5	Younger Toddlers	1	10:2
25 months through 35 months	6	Older Toddlers	1	12:2

36 months through 59 months	10	Preschoolers	1	20:2
5 years through 12 years	15	School age	1	30:2

(2) maximum group size must be consistent with the requirements of 7 AAC

57.510; and

(3) the child-to-caregiver ratios for the youngest child apply when children are in a mixed age group.

7 AAC 57.505(e)(2) is amended to read:

(2) "school age " means 5 [7] through 12 years of age;

(Eff. 6/23/2006, Register 178; am 5/15/2016, Register 218; am ___/___/___, Register _____)

Authority: AS 44.29.020 AS 47.32.010 AS 47.32.030

7 AAC 57.510. Maximum group size in child care centers.

7 AAC 57.510(a) is repealed and readopted to read:

(a) A child care center shall organize its learning environment to

- (1) allow for easy viewing of activities within the space;
- (2) allow children to participate in activities individually and in small groups; and
- (3) support the development of each child.

7 AAC 57.510(d) is amended to read:

(d) A child care center shall assign each primary caregiver and that caregiver's designated children to a room or area of a room as a home base **for the majority of each child's**

day even though the children in the group may move to a number of areas in the child care center for daily activities.

7 AAC 57.510(f) is repealed and readopted to read:

(f) If a group of children contains a combination of age groups, or if age groups are combined, the maximum group size at any one time during the day may not exceed twice the maximum number of children allowed under the child-to-caregiver ratio in 7 AAC 57.505(c) for the youngest child within the group.

(Eff. 6/23/2006, Register 178; am 5/15/2016, Register 218; am ___/___/___, Register _____)

Authority: AS 44.29.020 AS 47.32.010 AS 47.32.030

7 AAC 57.520. Program.

7 AAC 57.520(a)(1) is amended to read:

(a) A child care facility shall provide structure and daily activities designed to promote a child's individual physical, social, **cognitive**, [INTELLECTUAL,] and emotional development. Satisfactory compliance with this subsection requires the facility to

(1) have a schedule and daily plan of activities for each age group; the schedule and plan must provide a balance of quiet and **physically** active activities, and group and individual activities, and must include time for meals, snacks, sleep, toileting according to individual needs, and indoor and outdoor **active** play; for purposes of this paragraph

...

7 AAC 57.520(a)(1)(B) is amended to read:

(B) in a **family child care** home, the schedule and plan need not be written, except that a typical daily schedule and plan must be presented with the application for a license;

7 AAC 57.520(a)(2)(D) is amended to read:

(D) **cognitive** [INTELLECTUAL] and social development through use of a variety of activities and materials such as games, toys, books, crafts, puzzles, and blocks;

7 AAC 57.520(a)(3) is repealed and readopted to read:

(3) limit screen viewing time, including TV, computers, and hand-held devices, for children two years and older

(A) to no more than 1 hour in a 24 hour period, except for special occasions;

(B) for physical or educational use that is specifically designed for the interest and benefit of the child;

7 AAC 57.520(a)(4) is amended to read:

(4) **ensure that screen viewing time, including TV, video, or DVD, does not take place during meal or snack time; and** [LIMIT COMPUTER LEARNING ACTIVITIES TO TWO HOURS A DAY.]

7 AAC 57.520(a) is amended by adding a new paragraph to read:

(5) not require children to participate in screen viewing activities. Alternative activities shall be offered as an option for children during such times.

7 AAC 57.520(b)(4) is amended to read:

(4) allow infants and toddlers ample supervised opportunity during the day to explore and learn on their own outside of a play yard or other restraining device **including daily supervised tummy time when an infant is placed in a prone (front) position part of the time he/she is awake with direct supervision of a caregiver;** and

7 AAC 57.520(f)(2) is amended to read:

(2) **train staff on and** implement the plan of care developed under 7 AAC 57.400(c) for each child with special needs to enhance the child's health and developmental status;

7 AAC 57.520(f)(3) is amended to read:

(3) **ensure staff follow the plan developed under 7 AAC 57.400(c); and**
[IF A CHILD IS IDENTIFIED AS A CHILD WITH SPECIAL NEEDS UNDER 7 AAC 57.940 AFTER THE CHILD'S ADMISSION TO A CHILD CARE FACILITY, DEVELOP A PLAN OF CARE UNDER 7 AAC 57.400(c) FOR THAT CHILD, UNLESS THE FACILITY HAS REASON TO BELIEVE THAT, EVEN WITH REASONABLE ACCOMMODATION, THE FACILITY CANNOT MEET THE CHILD'S NEEDS AND DISCHARGES THE CHILD;
AND]

7 AAC 57.520(f)(4) is amended to read:

(4) monitor the effectiveness, and conduct regularly scheduled reassessments of each child's plan of care, **at least on an annual basis.**

7 AAC 57.520 is amended by adding a new sub-section to read:

(g) if a child is identified as a child with special needs under 7 AAC 57.940 after the child's admission to a child care facility, develop a plan of care under 7 AAC 57.400(c) for that child, unless the facility has reason to believe that, even with reasonable accommodation, the facility cannot meet the child's needs and discharges the child.

(Eff. 6/23/2006, Register 178; am 4/4/2013, Register 206; am 5/15/2016, Register 218; am ___/___/___, Register ___)

Authority: AS 44.29.020 AS 47.32.010 AS 47.32.030

7 AAC 57.535 is repealed and readopted to read:

7 AAC 57.535. Behavior guidance.

(a) A child care facility shall help a child to develop age-appropriate patterns of behavior that foster constructive relationships and increasing ability to deal with everyday life.

(b) A child care facility shall provide for positive reinforcement, redirection, and the setting of realistic expectations and clear and consistent limits.

(c) A child care facility may not use discipline or a behavior management technique that is cruel, humiliating, or otherwise damaging to the child.

(d) A child in care may not be

(1) removed from the other children for more than 10 minutes, except as provided in (e) of this section;

- (2) disciplined in association with food or rest;
- (3) punished for bedwetting or actions in regard to toileting or toilet training;
- (4) subjected to discipline administered by another child;
- (5) subjected to verbal abuse, to derogatory remarks about the child or members of the child's family, or to threats to expel the child from the child care facility;
- (6) placed in a locked room;
- (7) physically restrained, except when necessary to protect a child from accident, to protect persons on the premises from physical injury, or to protect property from serious damage; and then only passive physical restraint may be used;
- (8) mechanically restrained, except for a protective device such as a seatbelt;
- (9) chemically restrained, except on the order of a physician and subject to the provisions of 7 AAC 10.1070; or
- (10) withheld or removed from active play for misbehavior, although out-of-control behavior may require five minutes or less calming periods to help the child settle down before resuming cooperative play or activities.

(e) In a child care facility, when a child has a pattern of out of control behavior, the child may be removed from the company of other children until the child's behavior has stabilized. Exclusionary practices are only to be used as a last resort in extraordinary circumstances where there is a serious safety concern that cannot be reduced or eliminated with reasonable accommodations. In addition, the child care facility shall develop a written plan with the child's parent to provide individualized social and emotional intervention supports for the child while the child is in care. The plan must include methods for understanding the child's behavior, and

developing, adopting, and implementation a team-based positive behavior support plan with the intent to reduce challenging behavior and prevent suspensions and expulsions.

(f) Corporal punishment of children in care is prohibited. For purposes of this subsection, "corporal punishment" means the infliction of bodily pain as a penalty for a disapproved behavior, and includes:

(1) hitting, slapping, punching, spanking, delivering a blow with a part of the body or an object, shaking, pulling, twisting, squeezing, biting, and any other action that seeks to induce pain; and

(2) demanding excessive physical exercise, excessive rest, or strenuous or bizarre postures;

(3) compelling a child to eat or have in their mouth soap, food, spices, or foreign substances; and

(4) exposing a child to extremes of temperatures.

(g) The additional following inappropriate disciplinary actions are prohibited in a child care:

(1) isolating a child in an adjacent room, hallway, closet, darkened area, play area, or any other area where a child cannot be seen or supervised;

(2) binding, tying to restrict movement, or taping the mouth;

(3) using or withholding food or beverages as a punishment;

(4) toilet learning/training methods that punish, demean, or humiliate a child;

(5) any form of emotional abuse, including rejecting, terrorizing, extended ignoring, isolating, or corrupting a child;

(6) any abuse or maltreatment of a child;

(7) abusive, profane, or sarcastic language or verbal abuse, threats, or derogatory remarks about the child or child’s family;

(8) any form of public or private humiliation, including threats of physical punishment;

(9) physical activity/outdoor time taken away as punishment; or

(10) placing a child in a crib for a time-out or for disciplinary reasons.

(Eff. 6/23/2006, Register 178; am ___/___/___, Register _____)

Authority: AS 44.29.020 AS 47.32.010 AS 47.32.030

7 AAC 57.560. Nutrition.

7 AAC 57.560(d)(2) is amended to read:

(f) [(d)] A child care facility providing care for infants shall observe the following requirements for bottle feedings:

(2) an infant must be fed on demand **and feeding should be stopped when a child gives cues of fullness or starts to fall asleep;**

7 AAC 57.560(d) is amended by adding a new paragraph to read:

(f) [(d)] A child care facility providing care for infants shall observe the following requirements for bottle feedings:

...

(5) infant formula or breastmilk shall not be mixed with cereal, fruit juice or other foods in the bottle, unless the healthcare provider provides written instruction; and

7 AAC 57.560(d) is amended by adding a new paragraph to read:

(f) [(d)] A child care facility providing care for infants shall observe the following requirements for bottle feedings:

...

(6) mothers that choose to breastfeed on-site shall be provided a quiet, private area that is comfortable and sanitary.

7 AAC 57.560(e) is amended to read:

(g) [(e)] A child care facility shall obtain information concerning any food allergies or special dietary needs of each child and shall plan that child's meals accordingly.

7 AAC 57.560(f) is amended to read:

(h) [(f)] Except for medical reasons, a child care facility may not deny a meal or snack to a child, force-feed a child, **bribe**, or otherwise coerce a child to eat against the child's will for any reason. **Encouragement** [MERE ENCOURAGEMENT] to eat without any element of compulsion **is acceptable. The facility shall ensure food is not used as a reward or punishment** [IS NOT PROHIBITED].

7 AAC 57.560 is amended by adding a new subsection to read:

(d) When eating in the presence of children, caregivers shall eat only foods that meet the child care food program requirements of 7 C.F.R. 226.20.

7 AAC 57.560 is amended by adding a new subsection to read:

(e) To ensure adequate nutrition and promote good eating habits and attitudes, a facility shall ensure:

(1) At least one nutritious meal is offered to each child in care for five hours or more;

(2) A nutritious snack or breakfast is offered both before lunch and between lunch and dinner. Snacks with high sugar content shall be avoided, as well as drinks that do not contain pure fruit or vegetable juice. Fruit juice shall not be served to children younger than 12 months of age.

(3) A child in care over ten hours is offered an additional meal or snack, unless the parent requests otherwise.

(Eff. 6/23/2006, Register 178; am ___/___/___, Register _____)

Authority: AS 44.29.020 AS 47.32.010 AS 47.32.030

7 AAC 57.565. Transportation.

7 AAC 57.565(c) is amended by adding a new paragraph to read:

(3) the interior of vehicles used to transport children for field trips and out-of-program activities should be maintained at a temperature comfortable to children;

7 AAC 57.565(c) is amended by adding a new paragraph to read:

(4) head counts of children should be taken before and after transporting to prevent a child from being left in a vehicle; and

7 AAC 57.565(c) is amended by adding a new paragraph to read:

(5) children are never left in a vehicle unattended.

7 AAC 57.565(d) is amended to read:

(d) A child care facility shall ensure safe procedures in transporting children, as follows:

(1) the driver or other adult in a vehicle shall ensure that each child younger than

school age [A KINDERGARTNER] is received by a responsible **adult who has been**

authorized to take the child to and from the facility [INDIVIDUAL]; **or**

(2) the facility shall develop procedures for pick-up and delivery of children; a

child care **facility** [CENTER] must post those procedures [AT THE CENTER].

(Eff. 6/23/2006, Register 178; am ___/___/___, Register _____)

Authority: AS 44.29.020 AS 47.32.010 AS 47.32.030

7 AAC 57.620. Space.

7 AAC 57.620(b) is amended to read:

(b) A child care **facility** [CENTER AND A CHILD CARE GROUP HOME] shall

provide at least

...

7 AAC 57.620(c)(1) is amended to read:

(c) In meeting the space requirements of (b) of this section, if

(1) a child care **facility is** [CENTER IS ATTACHED TO OR] located in a

residence, the child care facility shall designate space that is exclusive of family living areas; and

...

7 AAC 57.620(c)(2) is amended to read:

(c) In meeting the space requirements of (b) of this section, if

(2) outdoor recreation space is not available at a child care center or a **family** child care [GROUP] home, the facility may use a park or other outdoor location that is easily accessible if a plan for transportation to and from and for use of this alternative outdoor location is approved by the department.

7 AAC 57.620(g) is amended to read:

(g) A child care facility shall maintain a well-organized environment, arranged so that

(1) each room has 35 square feet of usable space per child;

(2) [(1)] children have opportunities to use space, materials, and equipment to optimize learning;

(3) [(2)] children may use what they can reach most of the time;

(4) [(3)] children have reasonable freedom of action without recurrent accidents and collisions;

(5) [(4)] children have a comfortable place for quiet time;

(6) [(5)] infants may explore safely and freely, to crawl, stand, and learn to walk;

and

(7) [(6)] school-age children have a quiet place to do homework, if needed.

(Eff. 6/23/2006, Register 178; am ___/___/___, Register _____)

Authority: AS 44.29.020 AS 47.32.010 AS 47.32.030

7 AAC 57.630. Equipment and supplies.

7 AAC 57.630(d)(1)(A) is amended to read:

(d) A child care facility shall make provisions for each child's rest or sleep in accordance with 7 AAC 57.550(j) as follows:

(1) for each infant under age 12 months,

(A) provide an individual crib or play yard with a firm mattress or mat with a **tight fitting** washable waterproof **sheet or** covering;

7 AAC 57.630(d)(1)(B) is amended to read:

(B) do not use soft bedding materials that increase the risk of suffocation, including comforters, pillows, fluffy blankets, crib bumpers [THAT DO NOT STAND UPRIGHT], and **soft or** stuffed toys; and

7 AAC 57.630(d)(2) is amended to read:

(d) A child care facility shall make provisions for each child's rest or sleep in accordance with 7 AAC 57.550(j) as follows:

(2) provide a cot, mat, or bed for each child; in a **family child care** home, a couch may be used;

7 AAC 57.630(d)(3) is amended to read:

(3) provide a clean and sanitary blanket for each child [; IN A CHILD CARE CENTER,] **and label** either the **individual** cots, **mats** or the blankets [MUST BE INDIVIDUALLY LABELED] with the child's name;

(Eff. 6/23/2006, Register 178; am 4/4/2013, Register 206; am ___/___/___, Register _____)

Authority: AS 44.29.020 AS 47.32.010 AS 47.32.030

7 AAC 57.805. Nighttime care specialization.

AAC 57.805(a) is amended to read:

(a) A child care facility may not provide care between the hours of 10:00 p.m. and 6:00 a.m. unless the facility has a nighttime care specialization approved by the department **and the requirements of (b) – (f) are met.** [HOWEVER, A FACILITY MAY OCCASIONALLY PROVIDE NIGHTTIME CARE IN A HOME FOR 30 CONSECUTIVE DAYS OR LESS WITHOUT A NIGHTTIME CARE SPECIALIZATION IF THE REQUIREMENTS OF (b) – (f) OF THIS SECTION ARE MET AND PRIOR DEPARTMENT APPROVAL IS OBTAINED.]

AAC 57.805(c) is amended to read:

(c) A **family** child care home [AND A CHILD CARE GROUP HOME] shall provide nighttime care to no more than five children, including the caregiver's own children under 18 years of age.

AAC 57.805(f) is amended to read:

(f) Center staff counted for meeting **child-to-caregiver** [CAREGIVER-TO-CHILD] ratio requirements in 7 AAC 57.505(c) must be awake at all times, **even when providing** [UNLESS THERE ARE FIVE OR FEWER CHILDREN IN] nighttime care.

(Eff. 6/23/2006, Register 178; am 5/15/2016, Register 218; am ___/___/___, Register _____)

Authority: AS 44.29.020 AS 47.32.010 AS 47.32.030

7 AAC 57.810. Specialized program activities.

7 AAC 57.810(b) is amended to read:

(c) [(b)] A child care facility must base a program activity on a plan that addresses each requirement in this section. A child care facility shall ensure that each employee involved in the activity reviews the plan and that a copy of the plan is taken on each activity away from the facility.

7 AAC 57.810(c) is amended to read:

(d) [(c)] A child care facility shall ensure that the plan required under **(c)** [(b)] of this section establishes emergency procedures and injury control procedures for any specialized program activity conducted, including

...

7 AAC 57.810(d) is amended to read:

(e) [(d)] A child care facility must plan for supervision during a specialized program activity so that

...

7 AAC 57.810(e) is repealed and readopted to read:

(f) [(e)] A child care facility shall take the following general health and safety precautions during an activity away from the facility:

(1) get permission from the parent for a child to participate in moderate risk activity;

(2) take a first aid kit on field trips and outings as required by 7 AAC

10.1075(a)(2) or (3), as applicable; and

(3) arrange for the use of appropriate safety equipment, including a well-fitting helmet for activities such as skating, bicycling, skateboarding, or scooter riding.

7 AAC 57.810 is amended by adding a new section to read:

(b) A child care facility must obtain written permission from the parent for a child to participate in moderate risk activities;

(Eff. 6/23/2006, Register 178; am ___/___/___, Register _____)

Authority: AS 44.29.020 AS 47.32.010 AS 47.32.030

7 AAC 57.940. Children with special needs.

7 AAC 57.940 is repealed and readopted to read:

For purposes of this chapter, a child has special needs if the child

(1) meets the meaning of "child with a disability" under 20 U.S.C. 1401 (sec. 602, Individuals with Disabilities Education Act);

(2) is eligible for early intervention services under 20 U.S.C. 1431 -1444 (part C, Individuals with Disabilities Education Act);

(3) is younger than 13 years of age and is eligible for services under 29 U.S.C. 794 (sec. 504, Rehabilitation Act of 1973);

(4) has been identified as not functioning according to age-appropriate expectations in the areas of affective, cognitive, communicative, perceptual, motor, physical, or social development to the extent that the child may require help, program adjustments, or related services on a regular basis in order to function in an adaptive manner;

(5) requires health and related services of a type or amount beyond that typically required by a child in the child's age group; or

(6) may require one or more of the following services:

- (A) specialized care for a particular condition;
- (B) a specially trained caregiver;
- (C) frequent monitoring of the child's health or medical needs;
- (D) very close supervision;
- (E) frequent intervention;
- (F) aided physical movement.

(Eff. 6/23/2006, Register 178; am ___/___/___, Register _____)

Authority: AS 44.29.020 AS 47.32.010 AS 47.32.030

7 AAC 57.990. Definitions.

7 AAC 57.990 is repealed and readopted to read:

7 AAC 57.990. Definitions

(a) In this chapter, unless the context requires otherwise,

(1) "associate administrator" means a qualified individual designated by the administrator to be in charge of a facility in the absence of the administrator;

(2) "behavioral health problem" means a mental disorder, substance use disorder, or co-occurring disorder;

(3) "caregiver" includes an administrator, child care associate, employee, student intern, substitute, or other individual in a child care facility whose duties include care and supervision of children, with or without compensation;

(4) "center" means a child care center;

(5) "child care" or "care" means the supervision and provision of developmental opportunities, with or without compensation, to a child who does not have a parent present;

"child care" or "care" includes services in or away from the child care facility;

(6) "child care center" means a child care facility for 13 or more children;

(7) "child in care" means a child receiving care in a child care facility;

(8) "co-occurring disorder" means having both a substance use disorder and an emotional or psychiatric disorder;

(9) "CPR" means cardiopulmonary resuscitation;

(10) "day" means calendar day unless otherwise stated;

(11) "department" means the Department of Health and Social Services;

(12) "domestic violence" has the meaning given in AS 18.66.990;

(13) "domestic violence problem" means the individual

(A) has been charged with, convicted of, found not guilty by reason of insanity for, or adjudicated as a delinquent for a crime involving domestic violence listed in AS 18.66.990(3); or

(B) is or has been subject to a protective order issued or filed under AS 18.66 or a substantially similar law or ordinance of another jurisdiction;

(14) "enrolled" means a child's parent or guardian has an agreement with a facility for that child to attend the facility regardless of whether that child receives full-time or part-time care. For the purposes of inspections or investigations the child does not need to be present during the inspection or investigation to be considered enrolled in a facility;

(15) "expulsion" means the permanent removal of a child from a child care facility;

(16) "facility" means a child care facility described in 7 AAC 57.010(b);

(17) "family child care home" means a small family child care home and a large family child care home, and includes previous licensed child care homes or child care group homes;

(18) "harmful treatment" means an act or acts performed upon a child, or the omission of an act, that could or does cause or allow harm to a child. Harmful treatment is less serious than abuse or neglect, as defined and determined by state law, and may include serious types of inappropriate discipline;

(19) "IFSP" means individualized family service plan;

(20) "Inappropriate discipline" means any disciplinary action or inaction prohibited in 7 AAC 57.535;

(21) "infant" means a child from birth to 12 months of age;

(22) "large family child care home" means a child care facility, usually in an occupied residence, for nine to twelve children;

(23) "nighttime care" means care between the hours of 10:00 p.m. and 6:00 a.m.;

(24) "older toddler" means a child age 25 months through 35 months;

(25) "on-site" means present in the child care entity as defined in 7 AAC 57.010(b)(3);

(26) "operating hours or hours of operation" means the hours for which a child care facility is licensed;

(27) "owner" means the person licensed to operate a child care facility;

(28) "parent" means a birth or adoptive parent or a legal guardian;

(29) "part-time caregiver" means an individual in a child care facility whose duties include care and supervision of children in care, with or without compensation, for 15 hours or less per week;

(30) "physician" has the meaning given in 12 AAC 40.990;

(31) "preschooler" means a child age 36 months through 59 months ;

(32) "relative" means an individual who is related to another by marriage, blood relationship, or court decree; "relative" includes a parent, child, grandparent, great grandparent, brother, sister, stepparent, stepsister, stepbrother, aunt, uncle, great-aunt, great-uncle or step-grandparent;

(33) "school age" means a child age 5 through age 12;

(34) "SEED" means the System for Early Education Development and is Alaska's early childhood professional development system;

(35) "SEED approved training" means training recognized and approved by SEED;

(36) "SEED approved trainer" means an individual or organization that has been recognized and approved by SEED to provide training;

(37) "small family child care home" means a child care facility, usually in an occupied residence, for no more than eight children;

(38) "smoke free vehicle" means the use of tobacco, electronic cigarettes (e-cigarettes) or any other smoking paraphernalia are prohibited in any vehicles used by the program at all times.

(39) "substance use disorder" means a diagnostic category that meets the criteria set out in the following documents, as amended from time to time and adopted by reference:

(A) the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, dated June 2013 (DSM-5);

(B) the International Classification of Diseases - 10th Revision, Clinical Modification, 2016, (ICD-10-CM), based on information compiled by the United States Department of Health and Human Services, and published by the American Medical Association;

(40) "supervision of children" means the protective oversight of children including

(A) a prudent level of awareness of and responsibility for a child's ongoing activity;

(B) knowledge of the child care program provided by the facility, including applicable policies and procedures, the applicable requirements of this chapter, and children's needs; and

(C) the degree of supervision indicated by a child's age, developmental level, and physical, emotional, and social needs;

(41) "suspension" means the temporary removal of a child from attending a child care facility, with the intention once the period of time has elapsed, the child would be returning back to attend the child care facility;

(42) "toddler" means a child age 13 months through 35 months;

(43) "young toddler" means a child 13 months through 24 months;

(b) In AS 47.32, for purposes of this chapter, and in this chapter,

(1) "administrator" means an individual who has general administrative charge and oversight over a facility subject to this chapter;

(2) "child" means an individual under 13 years of age;

(3) "child care facility" means a facility described in 7 AAC 57.010(b);

(4) "license" means a license issued under AS 47.32 and this chapter;

(5) "licensee" means a person who has been issued a license under AS 47.32 and this chapter.

(Eff. 6/23/2006, Register 178; am 2/9/2007, Register 181; am 5/15/2016, Register 218; am ___/___/___, Register _____)

Authority: AS 44.29.020 AS 47.32.030